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Agenda No. 9

01/25/05

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

**Re: CONDITIONAL USE PERMIT NUMBER 02-324-(1)  
FIRST SUPERVISORIAL DISTRICT - THREE-VOTE MATTER**

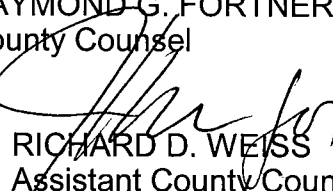
Dear Supervisors:

Your Board previously conducted an appeal hearing regarding the Regional Planning Commission's denial of the above-referenced permit which proposes the continued operation of an unpermitted hotel located at 5379 Whittier Boulevard in the Eastside Unit No. 1 Zoned District. At the conclusion of the hearing, you indicated an intent to deny the permit and directed us to prepare the appropriate findings for denial. Enclosed are proposed findings for your consideration.

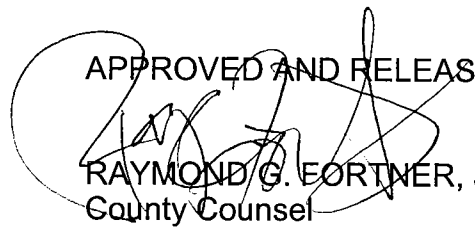
Very truly yours,

RAYMOND G. FORTNER, JR.  
County Counsel

By

  
RICHARD D. WEISS  
Assistant County Counsel  
Public Works Division

APPROVED AND RELEASED:

  
RAYMOND G. FORTNER, JR.  
County Counsel

RDW/

Enclosure

FINDINGS OF THE BOARD OF SUPERVISORS  
AND ORDER  
CONDITIONAL USE PERMIT NUMBER 02-324-(1)

1. The applicant is requesting a conditional use permit to authorize the continued use of an existing hotel located at 5379 Whittier Boulevard, East Los Angeles, in the Eastside Unit No. 1 Zoned District and the East Los Angeles Community Standards District. The hotel consists of 36 rooms and a manager's residence in a two-story building fronting on Whittier Boulevard. The hotel has been under the same ownership since the mid-1970s.
2. The subject property is located in a developed commercial area on the north side of Whittier Boulevard at Oakford Street between Atlantic Boulevard and Goodrich Boulevard in an unincorporated area in East Los Angeles.
3. The .124-acre, 5,400-square foot subject property is rectangular with flat topography and is currently developed with a building that was constructed as a hotel. No parking spaces are provided on the site.
4. Zoning on the subject property is C-3 (Major Commercial). Pursuant to Section 22.28.210.A of the Los Angeles County Code, property in the C-3 zone may be used for a hotel, provided a conditional use permit is first obtained. No conditional use permit for a hotel has ever been obtained or requested for the subject property.
5. A hotel was established on the subject property in 1956, when the site was zoned M-1. A hotel was a permitted use in the M-1 zone until 1960, at which time the zoning ordinance was amended to prohibit hotels in the M-1 zone, and the hotel became a legal nonconforming use. In 1985, the right to continue the nonconforming use terminated by operation of law, following the expiration of an amortization period. In 1988, the subject property was rezoned from M-1 to C-3. Zoning enforcement action was initiated upon discovery of the illegal operation of a hotel on the property.
6. The following is a zoning chronology for the subject property:
  - 1956 M-1 (Light Manufacturing): Hotel use established with no required parking.
  - 1958 M-1 (Light Manufacturing): Parking standard of one space per two rooms established for hotels. (Ordinance No. 7349, Section 746.5)
  - 1960 M-1 (Light Manufacturing): Hotels prohibited in Zone M-1. (Ordinance No. 7821, Section 1 (a)(3) Hotels)

- 1960: 25-year amortization period for the subject Type V building began. (Los Angeles County Code Section 22.56.1540 B.1.f.i.III)
  - 1985: Amortization period ended and right to continue nonconforming hotel use of the subject property terminated.
  - 1988: M-1 Zoning changed to C-3 (Major Commercial). (Ordinance No. 880153Z)
7. The surrounding properties have the following zoning and existing land uses:
- North: R-3-P (Limited Multiple Residence and Parking); parking and residential uses
- South: C-3; Whittier Boulevard and commercial uses across Oakford Drive
- West: C-3; medical clinic
- East: C-3; taco stand
8. The applicant's site plan depicts the existing 3,700-square foot building with pedestrian-only access to the main entrance on south-facing Whittier Boulevard. A rear street-level fire exit and second-level fire exit are depicted as operable. The west side of the structure is immediately bordered by a six-foot cement block wall adjacent to a neighboring medical clinic and its five-space parking lot. The east side of the structure is immediately bordered by a taco stand on the adjacent property with ten parking spaces. The north side is bordered by an alley with trash bins located to the northeast. The adjacent property to the north across the alley from the hotel contains 11 parking spaces for a CitiBank that is located northeast of the subject property.
9. The proposed use does not constitute a hotel use as defined in the zoning ordinance in that the rooms are not exclusively occupied on a temporary basis as is required to constitute such use. Section 22.08.080 of the County Code defines a "hotel" as "any building containing six or more guest rooms or suites of guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied on a temporary basis by guests." The Regional Planning Commission and Board of Supervisors ("Board") heard testimony and received declarations submitted by the applicant and from long-term tenants of the hotel. This evidence at the time of the Regional Planning Commission proceedings showed that at or about that time at least 14 tenants had maintained occupancy in the hotel for periods ranging from two months to 17 years, with eight of these tenants having resided on the premises for over one year. During the Board's hearing, the applicant's attorney testified that the facility provided affordable housing on a long-term basis to residents. He further testified of concerns about relocating people who had lived there for 10, 15, or 20 years.

10. The applicant has not represented that the occupancy terms of the hotel rooms would be changed to conform to the zoning requirements for a hotel. On the contrary, the applicant's representative at the public hearing asserted that the applicant has a right to continue the present use of the subject property and that this right cannot be denied by the County.
11. The applicant submitted documentation that none of the hotel rooms have kitchens except the manager's unit. Pursuant to Section 22.28.210 of the County Code, property in the C-3 zone may be used for apartment houses provided a conditional use permit is first obtained, but the subject building does not constitute, nor could it qualify as an apartment house due to its lack of kitchen facilities. The Board finds that the housing provided by the applicant for those long-term tenants who are occupying rooms without kitchen facilities and other residential amenities is substandard.
12. The subject property is designated Major Commercial in the East Los Angeles Community Plan ("ELACP"). Major Commercial areas contain mixtures of small and large businesses in major areas oriented toward the greater East Los Angeles area. A hotel would be consistent with this General Plan designation.
13. The following goals and policies of the ELACP are applicable to the subject property:
  - *"To protect the community health, safety and general welfare"* (Goals, P. 1 of ELACP)
  - *"To encourage high standards of development and improve the aesthetic qualities of the community."* (Goals, P. 1 of ELACP)
  - *"Maintain and enhance the quality of healthy and stable residential neighborhoods."* (Policies, P. 2 of ELACP)

Based on the evidence received at the hearings before the Regional Planning Commission and the Board on this application, the applicant has failed to demonstrate that the application would be consistent with these policies. The evidence indicated that the existing hotel has a recurrent history of operation contrary to the welfare of the community. This includes arrests for prostitution, loitering, unhealthy conditions, and poor appearance of the property. The lack of onsite parking is also a detriment to the quality of the surrounding community. The proposed use is not consistent with the goals and policies of the adopted general plan for the area. At the hearing before the Board, a representative of the County Sheriff recounted an investigation in 2003 leading to citation of the hotel operator for keeping a residence of ill fame, keeping a disorderly house,

and failure to maintain a hotel register. Additionally, when Regional Planning Department staff investigated the property during the pendency of this application, they observed that the unused portions of the property were characterized by scattered debris, uncovered storage, and landscaping that appeared unmaintained. Two parked cars were sighted in the rear northern setback area. Staff observed a broken light fixture, graffiti, chipped and peeling paint from much of the building trim, and a deteriorating hotel sign.

14. The proposed project does not comply with the development standards of the C-3 zone relating to landscaping and parking.

- Section 22.28.220.A of the Los Angeles County Code requires that a minimum of ten percent of the net area be landscaped with a lawn, shrubbery, flowers, and/or trees, which shall be continuously maintained in good condition.

The 101' by 5' "open space" area meets the ten percent standard, but the open space has not been continuously maintained in good condition and it is used for uncovered storage.

- Section 22.28.220.B of the Los Angeles County Code requires parking facilities in compliance with Part 11 of Chapter 22.52 of the County Code. Section 22.52.1130.A of Part 11 requires one parking space for each two guestrooms and one parking space for each suite of guestrooms.

No parking is depicted in the site plan submitted by the applicant.

15. The proposed project does not comply with the development standards of the East Los Angeles Community Standards District relating to fences. Section 22.44.118.C.1.c. of the Los Angeles County Code provides that those portions of fences more than three and one-half feet high must be substantially open, except for pillars used in conjunction with wrought iron style fences, and shall not cause a significant visual obstruction. No slats or other view-obscuring materials may be inserted into or affixed to such fences.

A site visit by staff showed that a six-foot cement-block wall is adjacent to the side yard on the west side of the subject hotel.

16. The proposed project does not comply with applicable sign regulations. Section 22.52.820.H of the County Code states that all signs shall be maintained in good repair, including display surfaces, which shall be kept neatly painted or posted.

The subject hotel roof-top sign is faded and weathered, resulting in a substandard condition.

17. Notwithstanding the subject property's noncompliance with the development standards of the zone and community standards district and the sign regulations, the building may be occupied by any use permitted in the zone subject to the limitations and conditions governing such use, provided the use has the same or lesser parking requirement as the existing or previous use.  
(Section 22.56.1510.D and E of the County Code)
18. A petition stating no objections to the continued operation of the existing hotel, signed by 16 business residents located on Whittier Boulevard, was submitted to the Regional Planning Commission. Additionally, 14 residents of the subject hotel submitted letters in support of the hotel operation while the matter was pending before the commission.
19. A petition in opposition to the continued operation of the hotel, signed by over 200 community residents and businesses, was submitted to the Commission and referenced at the hearing before the Board. The Board heard testimony from community representatives and the owner of nearby property that the condition of the property and the presence of activity suggestive of illegal acts, including prostitution was persistent.
20. At the Board's public hearing, a representative of the neighborhood testified as to the incompatibility of the proposed use with the surrounding community. As indicated above, a representative of the sheriff's department also testified and corroborated the concerns of the neighborhood representative. Evidence received before the Planning Commission was consistent, and included reference to criminal investigations in 2001 and 2003 and evidence that previously cited violations have not been corrected. The evidence presented both before the Planning Commission and the Board, including poor upkeep of the subject property, loitering, and arrests of hotel employees and residents for prostitution and other criminal activities, leads the Board to conclude that the use of the subject property is a nuisance to the community and is an incompatible land use at that location.
21. The proposed subject hotel use would be categorically exempt from the provisions of the California Environmental Quality Act ("CEQA") from the standpoint that it would be the continuation of an existing use. However, that fact does not satisfy the Board that the proposal has merit or that it should be approved.

**BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:**

- A. That the applicant has failed to substantiate that the proposed use would be consistent with the adopted general plan for the area, consisting of the East Los Angeles Community Plan and the Countywide General Plan;
- B. That the applicant has failed to substantiate that the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare; and
- C. That the proposed site is not adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code for the use as proposed, or as is otherwise required in order to integrate said use with the uses in the surrounding area;

**THEREFORE, THE BOARD OF SUPERVISORS** denies the appeal of the applicant and denies Conditional Use Permit Number 02-324-(1).